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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 WILLIAM THORNTON,
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Petitioner,

v.
MATTHEW CATE, Warden,

Respondent.

Civil No. 11cv1485 BEN (WMc)

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA
PAUPERIS AND DISMISSING
PETITION WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

REQUEST TO PROCEED IN FORMA PAUPERIS

Petitioner has no funds on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the above-referenced action as a poor person without being required to prepay fees or costs and without being required to post security. The Clerk of the Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.

DUPLICATIVE PETITION

In his Petition, Thornton challenges the requirement that he register as a sex offender in the state of California as a condition of parole, based on an underlying conviction suffered in the state of Tennessee. (*See* Pet. at 5-10.) Petitioner already has a petition for habeas corpus

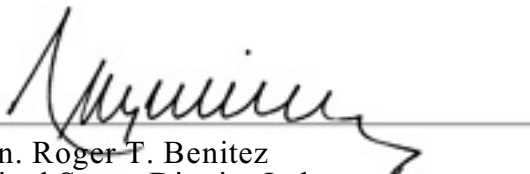
1 pending before this Court in which he challenges the Tennessee conviction and the California
2 requirement that he register as a sex offender. (*See Thornton v. Strainer*, 11cv0190 LAB
3 (JMA).) In that case, the Court has ordered a response to the petition, due no later than August
4 30, 2011. (*See id.*, ECF No. 6.) The Court may dismiss a duplicative petition as frivolous if it
5 “merely repeats pending or previously litigated claims.” *Cato v. United States*, 70 F.3d 1103,
6 1105 n.2 (9th Cir. 1995) (citations omitted). Because the current Petition merely repeats claims
7 already raised in Case Number 11cv0190 LAB (JMA), the Petition is dismissed as duplicative.

8 CONCLUSION

9 Based on the foregoing, the application to proceed in forma pauperis is **GRANTED** and
10 the Petition is **DISMISSED** without prejudice as duplicative.

11 **IT IS SO ORDERED.**

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13 DATED: July 20, 2011

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16 Hon. Roger T. Benitez
17 United States District Judge
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